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ACTION IO-16

INFO	LOG-00	AF-01	AID-01	AMAD-01	ARA-01	CIAE-00	C-01
	OASY-00	DODE-00	EAP-01	EB-01	EUR-01	HA-09	HHS-01
	H-01	TEDE-00	INR-00	LAB-01	L-01	ADS-00	NEA-01
	NSAE-00	NSCE-00	OIC-02	OMB-01	PA-01	PRS-01	P-01
	SP-00	SR-00	SS-00	STR-01	TRSE-00	USIE-00	SA-01
	RPE-01	/047W					

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P 181335Z MAY 94
FM USMISSION USUN NEW YORK
TO USMISSION GENEVA PRIORITY
SECSTATE WASHDC PRIORITY 6518
INFO HUMAN COLLECTIVE PRIORITY
AMEMBASSY DAR ES SALAAM
AMEMBASSY DAKAR
AMEMBASSY ADDIS ABABA
AMEMBASSY KAMPALA
AMEMBASSY BUJUMBURA
AMEMBASSY ACCRA

C O N F I D E N T I A L USUN NEW YORK 002095

E.O.12356: DECL:12/31/99
TAGS: PHUM, UNHRC-1, ECOSOC, RW
SUBJECT: ECOSOC ENDORSEMENT OF UNHRC SPECIAL SESSION
- RESULTS ON RWANDA

REF: A) GENEVA 4528; B) STATE 128805; C) USUN 1669
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1. USUN HAS FOLLOWED WITH INTEREST THE PROGRESS TOWARD THE SPECIAL SESSION OF THE UNHRC, NOW SET TO DEAL WITH RWANDA MAY 24 - 25. WE WOULD LIKE TO CALL ATTENTION TO ONE PROBLEM REGARDING THE POTENTIAL NEED FOR ECOSOC ENDORSEMENT OF ANY MANDATES ADOPTED BY THE COMMISSION BEFORE THEY CAN BE CARRIED OUT.

2. REF C DESCRIBES OUR ATTEMPT TO ENGAGE ASYG FALL ON THE ISSUE OF ECOSOC ENDORSEMENT OF HRC MANDATES IN ANOTHER CONTEXT. FALL STATED HIS OPINION THAT, WHILE

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HRC RESOLUTION 1993/94 REMOVES THE NEED FOR ECOSOC TO APPROVE HRC RENEWAL OF PREVIOUS/PREVIOUS MANDATES BEFORE THE SPECIAL RAPPORTEURS OF WORKING GROUPS CAN CONTINUE THEIR WORK, IT DOES NOT REMOVE THE REQUIREMENT FOR ECOSOC TO APPROVE NEW/NEW MANDATES BEFORE THE MECHANISMS CAN DO ANY WORK. (N.B. HRC RESOLUTION 1993/94 STATES IN ESSENCE THAT HRC MECHANISMS CAN BEGIN WORK PENDING ECOSOC APPROVAL.)

3. FALL IS LIKELY TO APPLY THIS OPINION TO ANY HRC RESULTS ON RWANDA. USUN SEES THREE OPTIONS FOR DEALING WITH THIS EVENTUALITY:

A) THE HRC CAN SEEK AN OPINION FROM THE HCHR ON THE MEANING OF HRC RES 1993/94 AND HOPE THAT HE WILL RULE THAT IT PERMITS THE OUTCOME OF THE SPECIAL SESSION TO BE IMPLEMENTED PRIOR TO ECOSOC APPROVAL;

B) THE HRC CAN DECLARE THAT IT IS NOT "PRACTICABLE" TO SEEK ECOSOC ENDORSEMENT (ECHOING THE LANGUAGE OF ECOSOC FUNCTIONAL COMMISSIONS RULE 37);

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C) FAILING A AND B ABOVE, A DELEGATION CAN PRESS FOR AN EMERGENCY MEETING OF ECOSOC TO APPROVE THE HRC RESOLUTION LATE IN THE WEEK OF MAY 23.

4. USUN CAN NOT JUDGE THE OUTCOME OF THESE THREE OPTIONS, AND RECOMMENDS THAT GENEVA RAISE THIS QUESTION WITH FRIENDLY DELEGATIONS BEFORE THE SESSION STARTS. WE RECOMMEND PURSUIT OF OPTIONS A - C IN THE ORDER LISTED.
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